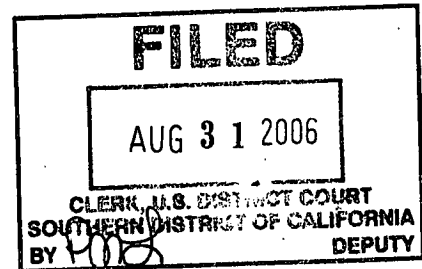


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Attorneys for Plaintiff
UNITED STATES OF AMERICA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

06CR1907-JAH

UNITED STATES OF AMERICA,

Magistrate Case No. 06MG0306

Plaintiff,

ORIGINAL

v.

**STIPULATION OF FACT AND JOINT
MOTION FOR RELEASE OF
MATERIAL WITNESS(ES) AND
ORDER THEREON**

JAIME ARTEAGA-ARJON,

Defendant.

(Pre-Indictment Fast-Track Program)

IT IS HEREBY STIPULATED AND AGREED between the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Carol C. Lam, United States Attorney, and L. Marcel Stewart, Assistant United States Attorney, and defendant JAIME ARTEAGA-ARJON, by and through and with the advice and consent of defense counsel, Steven L. Barth, Esq., Federal Defenders of San Diego, Inc., that:

1. Defendant agrees to execute this stipulation on or before the first preliminary hearing date and to participate in a full and complete inquiry by the Court into whether defendant knowingly, intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead guilty to the pre-indictment information charging defendant with a non-mandatory minimum count of Bringing in Aliens Without Presentation and Aiding and Abetting, in violation of 8 U.S.C. § 1324(a)(1)(A)(i) and (v)(II).

//

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1 2. Defendant acknowledges receipt of a plea agreement in this case and agrees to
2 provide the signed, original plea agreement to the Government not later than five business days
3 before the disposition date set by the Court.

4 3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or
5 before **September 18, 2006**.

6 4. The material witnesses Francisco Gutierrez-Martinez, Bernardo Solis-Gavia,
7 Edilberta Torres-Villegas, and Francisco Torres-Villegas, in this case:

8 a. Are aliens with no lawful right to enter or remain in the United States;

9 b. Entered or attempted to enter the United States illegally on or about
10 August 14, 2006;

11 c. Were found on the mountains near Otay Mesa, California and were being
12 guided by defendant, and defendant knew of the fact that they were aliens with no lawful right to
13 enter or remain in the United States;

14 d. Were paying between \$1,500 and \$2,200 to others to be brought into the
15 United States illegally and/or transported illegally to their destination therein; and,

16 e. May be released and remanded immediately to the Department of Homeland
17 Security for return to their country of origin.

18 5. After the material witnesses are ordered released by the Court pursuant to this
19 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any
20 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,
21 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

22 a. The stipulated facts set forth in paragraph 4 above shall be admitted as
23 substantive evidence;

24 b. The United States may elicit hearsay testimony from arresting agents
25 regarding any statements made by the material witness(es) provided in discovery, and such testimony
26 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest
27 of (an) unavailable witness(es); and,

28 Stipulation of Fact and Joint Motion for Release of
Material Witness(es) And Order Thereon in
United States v. Jaime Arteaga-Arjon

1 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),
2 "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted
3 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant
4 waives the right to confront and cross-examine the material witness(es) in this case.

5 6. By signing this stipulation and joint motion, defendant certifies that defendant has
6 read it (or that it has been read to defendant in defendant's native language). Defendant certifies
7 further that defendant has discussed the terms of this stipulation and joint motion with defense
8 counsel and fully understands its meaning and effect.


9 Based on the foregoing, the parties jointly move the stipulation into evidence and for the
10 immediate release and remand of the above-named material witness(es) to the Department of
11 Homeland Security for return to their country of origin.

12 It is STIPULATED AND AGREED this date.

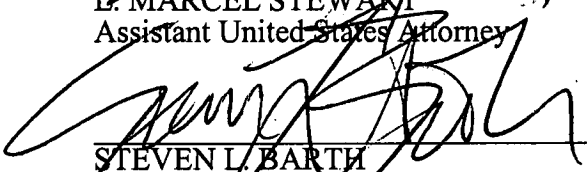
13 Respectfully submitted,

14 CAROL C. LAM
15 United States Attorney

16 Dated: 8/22/06

17 
18 L. MARCEL STEWART
19 Assistant United States Attorney

20 Dated: 8/22/06

21 
22 STEVEN L. BARTH
23 Defense Counsel for Jaime Arteaga-Arjon

24 Dated: 8/22/06

25 
26 JAIME ARTEAGA-ARJON
27 Defendant

ORDER

Upon joint application and motion of the parties, and for good cause shown,

THE STIPULATION is admitted into evidence, and,

IT IS ORDERED that the above-named material witness(es) be released and remanded forthwith to the Department of Homeland Security for return to their country of origin.

SO ORDERED.

Dated: 9/31/06


United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

vs.

JAIME ARTENGO-ARJON

Defendant(s)

CRIMINAL NO. 06CR1907-JAH

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District Magistrate Judge,

Leo S. Papas

IT IS HEREBY ORDERED that the following named person heretofore
committed to the custody of the United States Marshal as a material witness be
released from custody: (Bond Posted / Case Disposed / Order of Court).

FRANCISCO TORRES-VILLEGAS

DATED: August 31, 2006

Leo S. Papas

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED [Signature]

DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by [Signature]

Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)

Plaintiff)

vs.)

Jaime Arteaga-Arjon)

Defendant(s))

CRIMINAL NO. 06CR1907-JAH

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District/Magistrate Judge,

IT IS HEREBY ORDERED that the following named person Leo S. Papas
committed to the custody of the United States Marshal as a material witness be
released from custody: (Bond Posted / Case Disposed Order of Court).

FRANCISCO GUTIERREZ-MARTINEZ

DATED: August 31, 2006

Leo S. Papas

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED 2/16/07

DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by PM Lopez

Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

vs.

Jaime Arteaga - Arjon

Defendant(s)

CRIMINAL NO. 06CR1907-JAH

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District/Magistrate Judge,

IT IS HEREBY ORDERED that the following named person heretofore
committed to the custody of the United States Marshal as a material witness be
released from custody: (Bond Posted / Case Disposed / Order of Court).

Edi Oberta TORRES - Villegas

DATED: August 31, 2006

Leo S. Papas

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED Leo S. Papas

DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by P.M. Lopez

Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

vs.

JAIME Arteaga-Arjon

Defendant(s)

CRIMINAL NO. 06CR1907-JAH

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District Magistrate Judge,

Leo S. Papas

IT IS HEREBY ORDERED that the following named person heretofore committed to the custody of the United States Marshal as a material witness be released from custody: (Bond Posted / Case Disposed Order of Court)

Bernardo Solis - GAVIA

DATED: August 31, 2006

Leo S. Papas

UNITED STATES DISTRICT/MAGISTRATE JUDGE

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DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by W. Samuel Hamrick, Jr.

Deputy Clerk